

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MERVIN W. JANUARY,

Plaintiff,

v.

MISS BRESHAWN N. HARRIS, et al.,

Defendants.

Case No. 3:24-cv-00575-JR

FINDINGS &
RECOMMENDATION

RUSSO, Magistrate Judge:

Pro se plaintiff Mervin January brings this action asserting defamation against defendants Breshawn Harris and Sarita Hill. Plaintiff failed to serve defendant Harris.

On July 8, 2024, the Court ordered plaintiff to show cause within 14 days as to why defendant Harris should not be dismissed for lack of service. To date, plaintiff has not responded to the Court's Order. Accordingly, plaintiff's claims against defendant Harris are dismissed for failure to serve and failure to follow a Court Order.

CONCLUSION

Defendant Harris should be dismissed from this action. This case should be referred to District Judge Michael H. Simon for trial.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of appeals. Any notice of appeal pursuant to [Rule 4\(a\)\(1\), Federal Rules of Appellate Procedure](#), should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties shall have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determination of the Magistrate Judge will be considered as a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to this recommendation.

DATED this 4th day of August, 2025.

/s/ Jolie A. Russo
Jolie A. Russo
United States Magistrate Judge